

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

MICHAEL CHAVIS,

Plaintiff,

-against-

1:00-CV-1418  
(LEK/DEP)

GLENN S. GOORD, Commissioner of D.O.C.S.;  
MELVIN HOLLINS, Superintendent of Oneida  
Corr. Facility; DONALD SELSKY, Director of  
S.H.U.; C.O. DOLAN; C.O. GRAVELINE;  
MICHAEL CAMPBELL, Correction Officer;  
C.O. WILEY,

Defendants.

---

**DECISION AND ORDER**

The Court of Appeals for the Second Circuit issued an Order, entered on this Court's Docket on June 13, 2006, vacating and remanding this Court's prior judgment, and instructing this Court to "determine whether Appellant's allegations against the Appellees in his disciplinary proceedings sufficed to put the Appellees on notice and provide them time and an opportunity to address the complaints internally, thereby rendering his claims exhausted." Second Circuit Order (Dkt. No. 49) (citing Johnson v. Testman, 380 F.3d 691 (2d Cir. 2004); Ortiz v. McBride, 380 F.3d 649, 656 (2d Cir. 2004)).

The parties are hereby directed that they have sixty (60) days from the filing date of this Order within which to file supplemental briefing concerning the issue of exhaustion, and the relevant case law, including Testman and McBride, as addressed by the Second Circuit's Order. Furthermore, this matter is referred to the Honorable David E. Peebles, the United States

Magistrate Judge assigned to this case, for a Report-Recommendation addressing the issues in this case as instructed by the Second Circuit's Order.

Based on the foregoing, it is hereby

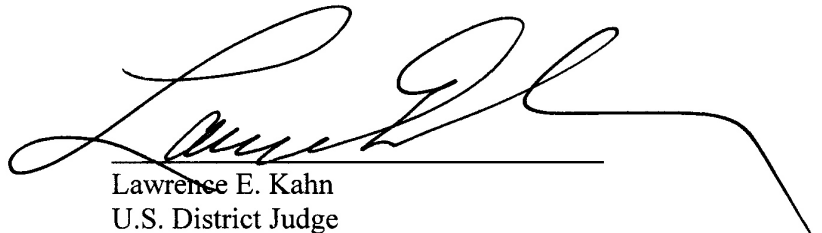
**ORDERED**, that the parties shall have **SIXTY (60) DAYS** from the filing date of this Order within which to file **SUPPLEMENTAL BRIEFING** concerning the issue of exhaustion, and the relevant case law, including Testman and McBride, as addressed by the Second Circuit's Order; and it is further

**ORDERED**, that this matter is **REFERRED** to the Honorable David E. Peebles, United States Magistrate Judge, **for a REPORT-RECOMMENDATION** addressing the issues in this case as instructed by the Second Circuit's Order; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: June 20, 2006  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge